

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Matthew F. Kennelly	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 1668	DATE	9/24/2012
CASE TITLE	Percy Groves Jr. vs. United Airlines		

DOCKET ENTRY TEXT

For the reasons stated below, plaintiff's current complaint is subject to dismissal. The Court will dismiss the complaint unless, by no later than 10/22/12, plaintiff files an amended complaint that truthfully reflects that he has obtained a notice of right to sue, and attaches that notice to the amended complaint. The Clerk is directed to mail plaintiff a copy of the form for an amended complaint of employment discrimination.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff filed a *pro se* complaint of employment discrimination on 3/7/12, and the case was assigned to this judge's docket, but unfortunately the Clerk of Court did not bring the case to the judge's attention, and the judge has only recently discovered that the case was pending.

Plaintiff's complaint and the attached charge that he filed with the Equal Employment Opportunity Commission (EEOC) reflect that he asserts claims of race, age, and disability-based discrimination based on actions taken by the defendant in 2005 and 2006. Plaintiff filed this suit in March 2012.

Any claim that plaintiff might make under 42 U.S.C. § 1981 is barred by the four-year statute of limitations that applies to claims under that statute. *See* 28 U.S.C. § 1658; *Jones v. R.R. Donnelley & Sons*, 541 U.S. 369 (2004).

As for any claim that plaintiff might make under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment, or the Americans with Disabilities Act, such claims cannot be filed in court unless plaintiff first exhausts administrative remedies with the EEOC and obtains a notice of right to sue. Plaintiff's complaint does not reflect that he has obtained a notice of right to sue; indeed, he left that portion of the form complaint blank.

For these reasons, the Court will dismiss plaintiff's complaint unless he files an amended complaint, by no later than 10/22/12, reflecting that he has obtained a notice of right to sue.

Courtroom Deputy
Initials:

